

possession of the station-houses and other property appertaining to the city police, they were in the exercise *de facto*, of the lawful powers of their office as police commissioners of Baltimore city.

We deprecate the possibility of any outbreak in any way that would or might produce a disturbance in our city, and we shall advise the pursuit of the remedy by mandamus, instead of force, as a mode of obtaining possession of the property appertaining to the police board; but we cannot advise any such action as will acknowledge the right of Messrs. Hindes and Wood to act in any manner as the members of the board of police of Baltimore city.

The case was then proceeded with, and Mr. Alexander said the great question in the case was the question of jurisdiction. In the case of a person committed to jail by a court of exclusive criminal jurisdiction, can any other judge revise a judgment of that court? Assuming that you can hear the case, the next question is: Do the papers on their face state a *prima facie* case sufficient to be accepted by the court and made the basis of its action? The truth of the return may be inquired into, but the truth of the facts are not for the consideration of the judge—otherwise your Honor might assume to yourself the entire criminal jurisdiction of the city, acting both as judge and jury.

Judge Bartol said he could not determine questions before they arose. It would be quite irregular in him to explain to counsel the course they should pursue. If the pleadings are made up he was ready to proceed with the case.

Considerable time was spent by counsel in preparing additional pleadings; after which they agreed that no further pleadings should be introduced, but the evidence should be taken subject to exceptions, &c.

Judge Bartol said, the question to be determined is, ought the prisoners now to be enlarged—and whether there is now probable cause for the arrest of those persons? The parties supporting the return must show it.

With the assent of counsel and Judge Bartol, Messrs. Thomson, Young and Valiant were allowed their parole.

THE EVIDENCE FOR RESPONDENTS.

The respondents first offered the warrants of arrest as proof of probable cause. They then called—

Wm. C. Crone, sworn.—Is Deputy Sheriff; served the warrants of arrest against Messrs. Valiant and Young about 11 o'clock on Saturday, November 3d; went immediately to the headquarters of the new Commissioners, on North street; there was a great crowd there; got a hack and brought Messrs. Young and Valiant to the Court house; the crowd